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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,580	02/09/2004	Bruce S. Jones	NUKZ 2 00339	3207

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EXAMINER	
MARTIN, LAURA E	
ART UNIT	**PAPER NUMBER**
2853	

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/774,580	JONES, BRUCE S.	
	Examiner	Art Unit	
	Laura E. Martin	2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 February 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5, and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Petranek (US 2004/0036749).

As per claim 1, Petranek teaches an ink container comprising: a housing (figure 1, element 12) having a chamber (figure 1, element 16) formed therein for receiving ink and a surface including an outlet passage (figure 2, element 26) communicating with the chamber and through which ink is dispensed; and an air impermeable, non-porous seal member (figure 2, element 18 and [0042]) received in the outlet passage, and seal surface (figure 2, element 28) comprising raised portions on a first surface and a second surface wherein the surfaces are on opposite sides of said member [0042].

As per claim 2, Petranek teaches an ink container wherein the raised portions are substantially V-shaped (figure 2, element 28).

As per claim 3, Petranek teaches an ink container further comprising a cap member having a recess for receiving said outlet passage (figure 2, elements 34 and 30).

As per claim 5, Petranek teaches the seal being adapted to be compressed between said cap and said outlet passage (figure 2, elements 26, 28, and 24).

As per claim 7, Petranek teaches the seal member being formed of a rubber [0042].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 4, 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petranek (US 2004/0036749) in view of Putman et al. (US 2003/0081085).

Petranek teaches the ink container of claim 3, as well as a method of sealing an outlet port of an ink container comprising: inserting a seal member (figure 2, element 18) into a counterbore of said outlet port (figure 2, element 16) formed at an outer portion of said outlet port (figure 1); placing a cap member over said outer portion of said outlet port (figure 2, element 34); compressing said seal member between said cap and outlet port (figure 2), said seal member raised portions (figure 2, element 28) comprised substantially V-shaped ridges.

Petranek does not teach the outlet passage comprising a rib for contracting and thermally bonding said cap to said outlet passage via welding until substantially flush on said outer surface or welding said cap member to said outlet port; or ridges contacted

by a cap member. Petranek also does not teach the seal member comprising a generally tube shaped portion which engages an inner wall of said outlet passage and a thin membrane extending across a first surface of the seal member.

Putman et al. teaches the outlet passage comprising a rib for contracting (figure 2A, element 46; [0021]) and thermally bonding said cap to said outlet passage via welding until substantially flush on said outer surface or welding said cap member to said outlet port (figure 2A, element 80; [0025]). Putman et al. also teaches ridges contacted by said cap member (figure 2A, element 46 and 80). Putman also teaches the seal member (figure 1, element 60) comprising a generally tube shaped portion which engages an inner wall of said outlet passage (figure 1, element 40) and a thin membrane extending across a first surface of the seal member [0024].

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the ink container of Petranek with the disclosure of Putman et al. in order to produce a stable ink container.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petranek (US 2004/0036749) in view of Edwards et al. (US 6695757).

Petranek teaches the apparatus of claim 3; however, it does not teach the cap formed of plastic.

Edwards et al. teaches a cap formed of plastic (figure 3, element 140; column 10, lines 51-54).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Petranek with the disclosure of Edwards et al. in order to provide a durable ink container.

Claims 8-15 and 23-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petranek (US 2004/0036749) in view of Jones et al. (US 2002/0191059).

Petranek teaches the apparatus of claim 1, as well as a seal member (figure 1, element 18) formed of rubber [0042] for an ink container comprising a first surface and a second surface located at an opposite side of seal member from said first surface [0042]; a wall extending between said first and second surfaces (figure 2, element 18), said wall having a tapered surface extending between said first surface and said second surface; wherein said first and second surfaces each comprises a raised portion extending along said surfaces (figure 2, element 28). Petranek also teaches the raised portions being substantially V-shaped (figure 2, element 28).

Petranek does not teach the seal member being formed of polyvinyl chloride, thermoplastic rubber, or silicone rubber; a seal member comprising a tube shaped portion that engages an inner wall of said outlet passage; a thin membrane extending across a first surface of said seal member; a seal member being substantially disk shaped; a counterbore at an outer terminal that receives the disk shaped seal member therein; the seal member including a thin membrane adapted to be selectively pierced

by an associated needle of an associated printer; or a first and second surface wherein the second surface has a larger diameter than the first surface.

Jones et al. teaches the seal member being formed of polyvinyl chloride, thermoplastic rubber, or silicone rubber [0008]; a seal member comprising a tube shaped portion that engages an inner wall of said outlet passage (figure 2, element 26); a thin membrane extending across a first surface of said seal member [0009]; a seal member being substantially disk shaped [0019]; a counterbore at an outer terminal that receives the disk shaped seal member therein (claim 9); the seal member including a thin membrane adapted to be selectively pierced by an associated needle of an associated printer [0019]; or a first and second surface wherein the second surface has a larger diameter than the first surface (figure 2, area directly above element 26).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the ink container of Petranek with the disclosure of Jones et al. in order to provide a higher quality ink cartridge.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petranek (US 2004/0036749) and Putman et al. (US 2003/0081085) in view of Jones et al. (US 2002/0191059).

Petranek and Putman et al. teach the apparatus of claim 16; however, neither teach the seal member having a substantially disk shape [0019].

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the ink container of Petranek as modified with the disclosure of Jones et al. in order to produce a cartridge that is leak-proof.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura E. Martin whose telephone number is (571) 272-2160. The examiner can normally be reached on Monday - Friday, 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

1/20/06

MANISH S. SHAH
PRIMARY EXAMINER

Laura E. Martin